

## REMARKS

Claims 1-10 and 13-14 are pending with claims 11 and 12 cancelled and claims 13 and 14 added by this paper.

### Claim Amendments

Claims 2-10 have been amended to replace "characterized in that" with --wherein--. Applicants have made these amendments to conform the language to typical U.S. prosecution practice, and respectfully submit that these amendments do not narrow the scope of the claims.

### Claim Rejections Under 35 U.S.C §103

Claims 1-10 stand rejected as allegedly being unpatentable over European Patent Application No. 0864906 A1 (EP) in view of U.S. Patent No. 5,619,352 (Koch). In addition, claims 11 and 12 stand rejected as allegedly being unpatentable over EP in view of Koch, and further in view of U.S. Patent No. 6,064,457 (Aminaka). Applicants respectfully traverse these rejections.

The action alleges that EP discloses an optically anisotropic layer having the properties of an O plate retarder at page 8, lines 43-47. However, EP discloses at page 4, lines 6 - 9, that a positive optical anisotropy is compensated by an optically anisotropic layer, which is provided by a negative optical anisotropy of a discotic compound. EP further discloses that the discotic compound preferably is negative uniaxial. See page 8, line 33-44. Thus, EP discloses that an anisotropic layer containing the discotic compound is believed to be negatively birefringent. In marked contrast, Koch discloses an O-plate that utilizes a positive birefringent material. See column 7, lines 8-15. Consequently, Applicants traverse the assertion that EP discloses an optically anisotropic layer having the properties of an O-plate retarder, because the anisotropic layer in EP is negatively birefringent, while Koch's O-plate is a positive birefringent material. Thus, there is insufficient motivation to combine these references because there is no teaching or suggestion to modify EP to use a positive birefringent material as taught by Koch. Consequently, Applicants respectfully submit that these references are uncombinable.

It is even more apparent that the currently presented claims, which include the substantive

features of claims 1, 11 and 12 (particularly relevant to currently amended claim 1) are patentable over the cited art. The action alleges that Aminaka discloses the use of a compensator of the present invention in a TN, HTN, or STN display having a chiral alignment. However, Aminaka does not disclose a compensator comprising an O-plate and a DAC film for use in a twisted nematic display. Particularly, Aminaka discloses a liquid crystal display of a bend alignment mode or homogenous alignment mode. See column 21, lines 60-63. However, bend or homogenous alignment mode is different from a twisted or super twisted nematic mode. Consequently, Applicants respectfully submit that Aminaka fails to cure the deficiencies in EP and Koch, and therefore, the alleged combination of references cannot render the claimed invention obvious because they fail to teach or suggest all the claim features as defined by the present invention (relevant to independent claims 1 and 13). Consequently, Applicants respectfully submit that these rejections should be withdrawn.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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